

ORDINANCE NO. 2014-11

**AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL;  
AMENDING WELLINGTON CODE OF ORDINANCE CHAPTER  
2, "ADMINISTRATION", ARTICLE IV, "CODE  
ENFORCEMENT", DIVISION 1 "GENERALLY" AND DIVISION 2,  
"SUPPLEMENTAL CODE THROUGH CITATIONS", TO  
REFLECT REVISIONS OF VIOLATIONS; TO REINSTATE  
OMITTED CODE SECTIONS; PROVIDING A REPEALER  
CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING  
AN EFFECTIVE DATE.**

**WHEREAS**, this Ordinance is enacted pursuant to Article VIII of the Florida Constitution, Chapter 166, Florida Statutes, Wellington's Charter, and the police power of the Municipality; and

**WHEREAS**, Wellington is aware of and understands that efficient and stringent enforcement of the Village's Codes and Ordinances has positive impacts on community health, safety and welfare and overall quality of life including property values; and

**WHEREAS**, Chapter 2 Article IV, "Code Enforcement" was enacted to promote, protect, and improve the health, safety, and welfare of the citizens of the Wellington by providing an equitable, expeditious, effective, and inexpensive method of enforcing Wellington's Codes of Ordinances and Land Development Regulations. Division 2, "Supplemental Code Enforcement Procedures: Enforcement Through Citations" was enacted to provide an additional tool in the enforcement of Wellington's Codes of Ordinances; and

**WHEREAS**, the Florida Supreme Court has determined that state law preempts a municipality's "super priority" code enforcement ordinances and it is therefore appropriate to amend Wellington Code Section 2-199 (b) to reflect the Court decision; and

**WHEREAS**, Amendments to reflect the change of title from "Special Master" to "Special Magistrate."; and

**WHEREAS**, the current "Violations and Penalties" section of the Citation Code does not reflect the revised code sections enacted with the adoption of the current Land Development Regulations and Codes of Ordinances; and

**WHEREAS**, code section 2-201, "Service of notice; methods" does not reflect amendments to FS 162.12 "Notices".

**SECTION 1.** The above recitals are true and correct and by this reference are incorporated herein and made an integral part hereof.

**SECTION 2.** Chapter 2, Article IV "CODE ENFORCEMENT" is hereby amended to read as follows:

**Sec. 2-192. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

1        *Code enforcement clerk* means any employee of the village so designated by the manager.  
2        *Code inspector* means those authorized agents or employees of the village whose duty it is  
3 to assure code compliance.

4  
5        *Enforcement board* or *board* means the village code enforcement board that was in  
6 existence prior to June 11, 2006.

7  
8        *Repeat violation* means a violation of a provision of a code or ordinance by a person who  
9 has been previously found through the enforcement board or special ~~master~~ magistrate or any  
10 other quasi-judicial or judicial process to have violated or has admitted violating the same  
11 provision within five years prior to the violation, notwithstanding, the violations occur at different  
12 locations.

13  
14        *Special ~~master~~ magistrate* means a person who is a member in good standing with the  
15 Florida Bar appointed by the village council and authorized to hear and decide cases involving  
16 code violations.

17  
18        *Village attorney* means the legal counselor for the village.

19  
20        (Ord. No. 96-19, § 2, 7-9-96; Ord. No. 2001-03, § 1, 2-13-01; Ord. No. 2006-13, § 3, 6-13-  
21 06)

22 **Cross reference—** Definitions generally, § 1-2.

23 **State law reference—** Definitions, F.S. § 162.04.

24  
25 **Sec. 2-193. Ex parte communications.**

26  
27        No ex parte communication relative to the merits of any pending action, threat, or offer of  
28 reward shall be made to special ~~master~~ magistrate by any employee of the village, or any party  
29 to the proceeding, or any person who directly or indirectly would have a material interest in such  
30 an action pending before the special ~~master~~ magistrate, or the authorized representative or  
31 counsel of any such party.

32        (Ord. No. 96-19, § 3, 7-9-96; Ord. No. 2001-03, § 1, 2-13-01; Ord. No. 2006-13, § 3, 6-13-  
33 06)

34  
35 **Sec. 2-194. Village attorney's legal capacity for service.**

36  
37        The village attorney may act as prosecutor for the village in cases brought before the  
38 special ~~master~~ magistrate.

39        (Ord. No. 96-19, § 7, 7-9-96; Ord. No. 2001-03, § 1, 2-13-01; Ord. No. 2006-13, § 3, 6-13-  
40 06)

41 **State law reference—** Similar provisions, F.S. § 162.05(5).

42  
43 **Sec. 2-195. Waiver of right to hearing; consent to fine.**

44  
45        The alleged violator may, if he so elects, waive his right to a hearing and consent to the  
46 imposition of a fine after a stated period of time in which to comply. The waiver shall be in  
47 writing on a form provided by the village, signed by all violators named in the notice of violation  
48 and witnessed.

49        (Ord. No. 96-19, § 11, 7-9-96; Ord. No. 2001-03, § 1, 2-13-01; Ord. No. 2006-13, § 3, 6-13-  
50 06)

1 **Sec. 2-196. Duties of code inspector.**

- 2
- 3 (a) *Enforcement proceedings; initiation.* It shall be the duty of the code inspector to initiate
- 4 enforcement proceedings of the various codes. No special ~~master~~ magistrate shall have the
- 5 power to initiate such enforcement proceedings.
- 6
- 7 (b) *Notice of violation; time for correction.* If a violation of a code is found, the code inspector
- 8 shall notify the violator, unless subsection (c) or (d) of this section applies, and give the
- 9 violator a reasonable time to correct the violation. Should the violation continue beyond the
- 10 time specified for correction, the code inspector shall notify the special ~~master~~ magistrate
- 11 and request a hearing pursuant to the procedure set forth in this section. Notice shall be
- 12 served upon the violator as provided in this article. If the violation is corrected and then
- 13 recurs, or if the violation is not corrected by the time specified for the correction by the code
- 14 inspector, the case may be presented to the special ~~master~~ magistrate even if the violation
- 15 has been corrected prior to the hearing, and the notice shall so state.
- 16
- 17 (c) *Action on violations posing threat to public or irreparable by nature.* If the code inspector
- 18 has reason to believe a violation or the condition causing the violation presents a serious
- 19 threat to the public health, safety or welfare, or if the violation is irreparable or irreversible in
- 20 nature, the code inspector shall make a reasonable effort to notify the violator and may
- 21 immediately notify the special ~~master~~ magistrate and request a hearing.
- 22
- 23 (d) *Repeat violators.* If a repeat violation is found, the code inspector shall notify the violator but
- 24 is not required to give the violator a reasonable time to correct the violation. The code
- 25 inspector, upon notifying the violator of a repeat violation, shall notify the special ~~master~~
- 26 magistrate and request a hearing. The special ~~master~~ magistrate, through their clerical
- 27 staff, shall schedule a hearing and shall provide notice as set forth in this article. The case
- 28 may be presented to the special ~~master~~ magistrate even if the repeat violation has been
- 29 corrected prior to the board hearing, and the notice shall so state. If the repeat violation has
- 30 been corrected, the special ~~master~~ magistrate retains the right to schedule a hearing to
- 31 determine costs and impose the payment of reasonable enforcement fees upon the repeat
- 32 violator. The repeat violator may choose to waive his rights to this hearing and pay such
- 33 costs as determined by the special ~~master~~ magistrate.

34 (Ord. No. 96-19, § 12, 7-9-96; Ord. No. 2001-03, § 1, 2-13-01; Ord. No. 2006-13, § 3, 6-13-

35 06)

36 **State law reference—** Similar provisions, F.S. § 162.06.

37

38 **Sec. 2-197. Subpoena of evidence.**

39

40 The code inspector, the special ~~master~~ magistrate, or the alleged violator may request that

41 witnesses, records (including surveys, plats, and other materials) and other evidence are

42 subpoenaed to any violation hearing. Subpoenas shall be served by the sheriff of the county.

43 These subpoenas shall be available through the clerk of the enforcement division. A nominal

44 administrative fee shall be charged for the preparation and service of the subpoenas, the

45 amount of which administrative fee shall be established by resolution of the village council.

46 (Ord. No. 96-19, § 13, 7-9-96; Ord. No. 2001-03, § 1, 2-13-01; Ord. No. 2006-13, § 3, 6-13-

47 06)

1 **Sec. 2-198. Hearings.**  
2

- 3 (a) *Conduct.* Hearings shall be informal and need not be conducted according to technical  
4 rules relating to evidence and witnesses. They shall, however, be conducted in accordance  
5 with accepted parliamentary procedures relative to motions, votes and decisions.  
6 Fundamental due process shall be observed and shall govern all hearings.  
7
- 8 (b) *Minutes; provision of clerical and administrative personnel.* Minutes shall be kept of all  
9 hearings, and all hearings shall be open to the public. The code enforcement clerk shall  
10 provide clerical and administrative personnel as may be reasonably required by the special  
11 ~~master~~ magistrate for the proper performance of its duties.  
12
- 13 (c) *Presentation of case; recovery of costs.* Each case before the special ~~master~~ magistrate  
14 shall be presented by the village attorney, or by a member of the village staff. If the village  
15 prevails in prosecuting a case before the special ~~master~~ magistrate, it shall be entitled to  
16 recover all costs incurred in prosecuting the case before the special ~~master~~ magistrate, and  
17 such costs may be included in a lien authorized by this article and applicable laws.  
18
- 19 (d) *Testimony.* The special ~~master~~ magistrate shall proceed to hear the cases on the agenda  
20 for that day. All testimony shall be under oath and shall be recorded. The special ~~master~~  
21 magistrate shall take testimony from the code inspector and the alleged violator.  
22
- 23 (e) *Rights of parties to hearing.* Each party to the hearing shall have the right to:  
24 (1) Call and examine witnesses.  
25 (2) Introduce exhibits.  
26 (3) Cross-examine opposing witnesses.  
27 (4) Impeach witnesses.  
28 (5) Rebut evidence.  
29
- 30 (f) *Representation of alleged violator.* The alleged violator has the right to be represented by  
31 an attorney at all hearings before the special ~~master~~ magistrate.  
32
- 33 (g) *Evidence.* All relevant evidence shall be admitted if, in the opinion of the special ~~master~~  
34 magistrate, it is the type of evidence upon which reasonable and responsible persons would  
35 normally rely in the conduct of business affairs, regardless of the existence of any common  
36 law or statutory rule which might make such evidence inadmissible over objections in civil  
37 actions. The special ~~master~~ magistrate may exclude irrelevant or unduly repetitious  
38 evidence. Hearsay evidence may be accepted for the purpose of supplementing or  
39 explaining any direct evidence, but such hearsay evidence shall not in and of itself be  
40 considered sufficient to support a finding or decision unless the evidence would be  
41 admissible over objections in a civil action.  
42
- 43 (h) *Findings of fact; issuance of orders.* At the conclusion of the hearing, special ~~master~~  
44 magistrate shall issue findings of fact based on evidence of record and conclusions of law,  
45 and shall issue an order affording the proper relief consistent with powers granted in this  
46 article. The order may include a notice that it must be complied with by a specified date and  
47 that a fine may be imposed and, under the conditions specified in F.S. § 162.09(1), the cost  
48 of repairs may be included along with the fine if the order is not complied with by such date.  
49 (Ord. No. 96-19, § 14, 7-9-96; Ord. No. 2001-03, § 1, 2-13-01; Ord. No. 2006-13, § 3, 6-13-  
50 06)

51 **State law reference—** Similar provisions, F.S. § 162.07(4).

1  
2 **Sec. 2-199. Fines; imposition of liens.**  
3

4 (a) The special ~~master~~ magistrate, upon notification by the code inspector that a previous order  
5 of the enforcement board or special ~~master~~ magistrate has not been complied with by the  
6 set time, may order the violator to pay a fine not to exceed \$250.00 for each day that the  
7 violation continues past the date set for compliance for a first violation, or in the case of a  
8 repeat violation may order the violator to pay a fine not to exceed \$500.00 for each day the  
9 violation continues beginning with the date the repeat violation is found to have occurred by  
10 the code inspector. In addition, if the code inspector has reason to believe a violation or the  
11 condition causing the violation presents a serious threat to the public health, safety, and  
12 welfare, or if the violation is irreparable or irreversible in nature, the special ~~master~~  
13 magistrate shall notify the village council, which may make all repairs which are required to  
14 bring the property into compliance and charge the violator with the cost of the repairs as  
15 part of the fine imposed pursuant to this article. If, after due notice and hearing, the special  
16 ~~master~~ magistrate finds a violation to be irreparable or irreversible in nature, it may impose  
17 a fine not to exceed \$5,000.00 per violation.  
18

19 (b) A certified copy of an order imposing a fine may be recorded in the public records and  
20 thereafter shall constitute a lien against the land on which the violation exists and upon any  
21 other real or personal property owned by the violator. It may be enforced in the same  
22 manner as a court judgment by the sheriffs of this state, including levy against the personal  
23 property. A fine imposed pursuant to this article shall continue to accrue until the violator  
24 comes into compliance or until judgment is rendered in a suit filed pursuant to F.S. §  
25 162.09, whichever occurs first. Once a violator comes into compliance, the violator may  
26 request a reduction of the fine from the special ~~master~~ magistrate. In making the  
27 determination on whether to reduce a fine, following compliance, the special ~~master~~  
28 magistrate may take into consideration the gravity of the violation, any actions taken by the  
29 violator to correct the violation, any previous or subsequent violations committed by the  
30 violator, whether there was intervening matters that prevented or obstructed the violator  
31 from timely complying with the order to correct the violation, and/or the financial ability of  
32 the violator to pay the full amount of the fine. A lien arising from a fine imposed pursuant to  
33 this article runs in favor of the village council, and the village council may execute a  
34 satisfaction or release of lien entered pursuant to this article. After three months from the  
35 filing of any such lien which remains unpaid, the special ~~master~~ magistrate may authorize  
36 the village attorney to foreclose on the lien, or to sue to recover a money judgment for the  
37 amount of the lien, plus accrued interest. No lien created pursuant to the provisions of this  
38 article may be foreclosed on real property which is a homestead under section 4, article X  
39 of the state constitution. ~~Effective June 13, 2006, village code enforcement liens shall~~  
40 ~~remain liens, coequal with the liens of all state, county, district, and municipal taxes,~~  
41 ~~superior in dignity to all other liens, titles and claims until paid. The priority of code~~  
42 ~~enforcement lines versus mortgages, liens and encumbrances in existence prior to June 13,~~  
43 ~~2006, shall be determined upon the date of recording of the lien.~~

44 (Ord. No. 96-19, § 15, 7-9-96; Ord. No. 2001-03, § 1, 2-13-01; Ord. No. 2006-13, § 3, 6-13-  
45 06)

46 **State law reference—** Similar provisions, F.S. § 162.09.  
47

48 **Sec. 2-200. Duration of lien; action to foreclose; costs collection; continuance of lien.**  
49

50 No lien provided in this article shall continue for a period longer than 20 years after the  
51 certified copy of an order imposing a fine has been recorded, unless within that time an action is

commenced in a court of competent jurisdiction pursuant to F.S. 162.09(3). In an action to foreclose on a lien or for a money judgment, the prevailing party is entitled to recover all costs, including a reasonable attorney's fee, that it incurs in the action. The village council shall be entitled to collect all costs incurred in recording and satisfying a valid lien.

(Ord. No. 96-19, § 16, 7-9-96; Ord. No. 2001-03, § 1, 2-13-01; Ord. No. 2006-13, § 3, 6-13-06)

**State law reference—** Similar provisions, F.S. § 162.10.

## **Sec. 2-201. Service of notice; methods.**

~~All notices shall be provided to the alleged violator by certified mail, return receipt requested, or by hand delivery by the sheriff or other law enforcement officer, code inspector, or other person designated by the village council; or by leaving the notice at the violator's usual place of residence with any person residing therein who is above 15 years of age, and informing such person of the contents of the notice. In the case of commercial premises, leaving the notice with the manager or other person in charge in addition to providing notices as set forth in this section, at the option of the special master magistrate, notice may also be served by publication or posting, as follows:~~

- ~~(1) If publication is the method of notice to be utilized, such notice shall be published once during each week for four consecutive weeks (four publications being sufficient) in a newspaper of general circulation in the county. The newspaper shall meet the requirements as are prescribed under F.S. ch. 50, for legal and official advertisements.~~
- ~~(2) Proof of publication shall be made as provided in F.S. §§ 50.041 and 50.051.~~
- ~~(3) In lieu of publication as described in subsection (1) of this section, such notice may be posted for at least ten days prior to the hearing or prior to any deadline for compliance, in at least two locations, one of which shall be the property upon which the violation is alleged to exist and the other of which shall be in a conspicuous place at the village hall.~~
- ~~(4) Proof of posting shall be by affidavit of the person posting the notice, which affidavit shall include a copy of the notice posted and the date and places of its posting.~~
- ~~(5) Notice by publication or posting may run concurrently with, or may follow, an attempt or attempts to provide notice by hand delivery or by mail as required in this section.~~
- ~~(6) Evidence that an attempt has been made to hand deliver or mail a notice as provided in this section, together with proof of publication or posting as provided in this section, shall be sufficient to show that the notice requirements set forth in F.S. ch. 162, have been met, without regard to whether or not the alleged violator actually received such notice.~~

(a) All notices required by this part must be provided to the alleged violator by:

(1) Certified mail, return receipt requested, to the address listed in the tax collector's office for tax notices or to the address listed in the county property appraiser's database. The local government may also provide an additional notice to any other address it may find for the property owner. For property owned by a corporation, notices may be provided by certified mail to the registered agent of the corporation. If any notice sent by certified mail is not signed as received within 30 days after the postmarked date of mailing, notice may be provided by posting as described in subsection (b).;

(2) Hand delivery by the sheriff or other law enforcement officer, code inspector, or other person designated by the local governing body;

1       (3) Leaving the notice at the violator's usual place of residence with any person  
2       residing therein who is above 15 years of age and informing such person of the  
3       contents of the notice; or

4  
5       (4) In the case of commercial premises, leaving the notice with the manager or other  
6       person in charge.

7  
8       (b) In addition to providing notice as set forth in subsection (a), at the option of the code  
9       enforcement board, notice may also be served by publication or posting, as follows:

10  
11       (1) Such notice shall be published once during each week for 4 consecutive weeks  
12       (four publications being sufficient) in a newspaper of general circulation in the county  
13       where the code enforcement board is located. The newspaper shall meet such  
14       requirements as are prescribed under chapter 50 for legal and official advertisements.

15  
16       (2) Proof of publication shall be made as provided in ss. 50.041 and 50.051.

17  
18       (3) In lieu of publication as described in paragraph (a), such notice may be posted at  
19       least 10 days prior to the hearing, or prior to the expiration of any deadline contained in  
20       the notice, in at least two locations, one of which shall be the property upon which the  
21       violation is alleged to exist and the other of which shall be in a conspicuous place at  
22       the village municipal complex.

23  
24       (4) Proof of posting shall be by affidavit of the person posting the notice, which affidavit  
25       shall include a copy of the notice posted and the date and places of its posting.

26  
27       (5) Notice by publication or posting may run concurrently with, or may follow, an  
28       attempt or attempts to provide notice by hand delivery or by mail as required under  
29       subsection (1).

30  
31       Evidence that an attempt has been made to hand deliver or mail notice as provided in  
32       subsection (a), together with proof of publication or posting as provided in subsection (b),  
33       shall be sufficient to show that the notice requirements of this part have been met, without  
34       regard to whether or not the alleged violator actually received such notice.

## 35 36       **Sec. 2-202. Appeals of administrative orders.**

37  
38       An aggrieved party, including the village, may appeal a final administrative order of the  
39       special ~~master~~ magistrate to the circuit court. Such an appeal shall not be a hearing de novo,  
40       but shall be limited to appellate review of the record created before the enforcement board or  
41       special ~~master~~ magistrate. An appeal shall be filed within 30 days of the execution of the order  
42       to be appealed.

43       (Ord. No. 96-19, § 18, 7-9-96; Ord. No. 2001-03, § 1, 2-13-01; Ord. No. 2006-13, § 3, 6-13-  
44       06)

45       **State law reference—** Similar provisions, F.S. § 162.11.

## 46 47       **Sec. 2-203. Special magistrate.**

48  
49       One or more persons may be appointed as special magistrate by the Wellington's Council.  
50       An appointee shall serve a two-year term and may be reappointed, provided that for the period  
51       beginning in June of 2010, half of the special magistrates shall serve an initial one-year term

1 ending on May 31, 2011, so that the appointments would be staggered in future years. Special  
2 magistrates appointed in June of 2012 and beyond may serve a maximum of four consecutive  
3 two-year terms after which such special magistrates may not be eligible for reappointment until  
4 one two-year term has expired. The compensation for special magistrate services may be  
5 authorized as specified in the appointing resolution. A special magistrate may be suspended or  
6 removed with or without cause by the Wellington's Council.

7 (Ord. No. 2001-03, § 1, 2-13-01; Ord. No. 2006-13, § 3, 6-13-06; Ord. No. 2010-12, § 1, 5-  
8 11-10; Ord. No. 2012-18, § 2, 8-14-12)

#### 9 10 **Sec. 2-226. Authority.**

11  
12 This division is authorized and adopted pursuant to [F.S.] pt. II of ch. 162. The provisions of  
13 the section are additional and supplemental means of enforcing municipal codes and  
14 ordinances and may be used for the enforcement of any code or ordinance or for the  
15 enforcement of all codes and ordinances except as set forth herein above. Nothing contained in  
16 this section shall prohibit the village from enforcing its codes or ordinances by any other means.

17 (Ord. No. 2001-03, § 1, 2-13-01)

#### 18 19 **Sec. 2-227. Authority of code enforcement officers.**

20  
21 A code enforcement officer is authorized to issue a citation to a person when, based on  
22 personal investigation, the officer has reasonable cause to believe that the person has  
23 committed a civil infraction in violation of a duly enacted code or ordinance and this citation will  
24 be heard by the county court.

25 (Ord. No. 2001-03, § 1, 2-13-01)

#### 26 27 **Sec. 2-228. Notice.**

28  
29 Prior to issuing a citation, a code enforcement officer shall provide notice to the person that  
30 has committed a violation of a code or ordinance and shall establish a reasonable time period  
31 within which the person must correct the violation. Such time period shall be no more than 30  
32 days. If, upon personal investigation, a code enforcement officer finds that the person has not  
33 corrected the violation within the time period allowed, the code enforcement officer may issue a  
34 citation to the person who has committed the violation. If the code enforcement officer has  
35 reason to believe that the violation presents a serious threat to the public health, safety, or  
36 welfare, or if the violation is irreparable or irreversible, the code enforcement officer is not  
37 obligated to provide the person with a reasonable time period within which to correct the  
38 violation prior to the issuance of the citation.

39 (Ord. No. 2001-03, § 1, 2-13-01)

#### 40 41 **Sec. 2-229. Form of citation.**

42  
43 The citation issued by the code enforcement officer shall be in a form prescribed by the  
44 village and shall contain the following:

- 45 (1) The name and address of the person to whom this citation is issued.  
46  
47 (2) The date and time the civil infraction was committed for the facts constituting  
48 reasonable cause.  
49  
50 (3) The number or section of the code or ordinance violated.  
51 (4) The name and authority of the code enforcement officer.



- (5) The procedure for the person to follow in order to pay the civil penalty or contest the citation.
- (6) The applicable civil penalty if the person elects to contest the citation.
- (7) The applicable civil penalty if the person elects not to contest the citation.
- (8) A conspicuous statement if the person fails to pay the civil penalty within the time allowed or fails to appear in court to contest the citation, he shall be deemed to have waived his right to contest the citation and that, in such case, judgment may be entered against the person for an amount up to the maximum civil penalty.  
(Ord. No. 2001-03, § 1, 2-13-01)

## **Sec. 2-230. Violations and penalties.**

All violations of the Code of Ordinances shall be considered as civil infractions with a maximum civil penalty not to exceed \$500.00. Certain ordinances lend themselves to be enforced by means of a citation method and as such, the village has deemed the following sections of the Code those that may be enforced through the citation method and has provided a schedule of violations and penalties to be assessed as follows:

Class I \$50.00 Penalty	Class II \$75.00 Penalty	Class III \$125.00 Penalty	Class IV \$250.00 Penalty	Class V \$500.00 Penalty
Prohibited Signs <del>ULDC LDR</del> Section 7.14	Water Restrictions Codes & Ordinances Section 30-144(a) <del>– (f) (a)</del> – (e) unless due to drought conditions more stringent penalties are applicable	Failure to obtain Building Permit prior to commencement of construction Building Codes Enforcement Administrative Code Section 104.1.1	Livestock Waste BMP's Section 30-153	<u>Repeat Violations of items listed under Class I, II, III and IV</u>
Noise Codes & Ordinances Sections <del>36-34 and 36-34</del> <u>36-33 and 36-34</u>	Solid Waste All violations of Codes & Ordinances Section 36-22(d), 36-23(b), 46-40, 46-41, 46-42	Failure to obtain Local Business Tax Receipt Codes of Ordinances Section 58-61	<del>Repeat Violations of items listed under Class I, II, III and IV</del>	
Property		Failure to	Vegetation	

Maintenance Codes and Ordinances Section 36-22		Obtain Special Use Permit— <del>ULDC</del> <u>LDR</u> Section 5.5 and 5.6.4 <u>Article 5</u> <u>Chapter 5</u>	Removal w/o permit <del>ULDC</del> <u>LDR</u> Section 7.5	
		Failure to Comply with Article 6 of the <del>ULDC</del> <u>LDR</u> (Zoning Districts)	Transient (Mobile) Sales-- <del>ULDC</del> <u>LDR</u> Section 6.4.83 <u>Section 6.4.4.96</u>	
<u>LDR= Land Development Regulations</u>				

(Ord. No. 2001-03, § 1, 2-13-01; Ord. No. 2003-25, § 1, 11-18-03; Ord. No. 2006-26, § 1, 12-12-06)

**Sec. 2-231. Citations not applicable to certain portions of building codes.**

The provisions of this section shall not apply to the enforcement pursuant to sections 553.79 and 553.80 of the building codes adopted pursuant to F.S. § 553.73, as they apply to construction, provided that a building permit is either not required or has been issued by the municipality. For the purpose of this subsection, building codes means only those codes adopted pursuant to section 553.73.

(Ord. No. 2001-03, § 1, 2-13-01)

**Sec. 2-232. Processing citations; county court.**

- (a) *Disposition by county court.* After issuing a citation to an alleged violator, a code enforcement officer shall deposit the original citation and one copy of the citation with the county court for further disposition.
- (b) Upon receipt of a citation, the person alleged to have violated the village code may request a court appearance. The county court judge may assess a maximum civil penalty not to exceed \$500.00 if contested. If the citation is not contested, the amount of fine is the face value of the citation plus costs.
- (c) Should any person receiving a citation desire to contest same, such person shall have the right to appear in county court in order to present his case and have the determined position made by the court.
- (d) *Failure to accept citation; misdemeanor.* Any person who willfully refuses to sign and accept a citation issued by a code enforcement officer shall be guilty of a misdemeanor of the second degree, punishable as provided in F.S. §§ 755.082 or 775.083.

**SECTION 3.** Should any section, paragraph, sentence clause, or phrase of this Ordinance conflict with any section, paragraph, clause or phrase of any prior Wellington Ordinance, Resolution, or municipal Code provision, then in that event the provisions of this Ordinance shall prevail to the extent of such conflict.

**SECTION 4.** Should any section, paragraph, sentence, clause, or phrase of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole or any portion or part thereof, other than the part so declared to be invalid.

**SECTION 5.** Specific authority is hereby granted to codify this Ordinance.

**SECTION 6.** This Ordinance shall become effective immediately upon adoption by the Wellington Council following second reading.

**PASSED** this 8 day of April 2014, upon first reading.

**PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_ 2014, on second and final reading.

VILLAGE OF WELLINGTON

FOR                      AGAINST

BY: _____	_____	_____
Bob Margolis, Mayor		
_____	_____	_____
John Greene, Vice Mayor		
_____	_____	_____
Matt Willhite, Councilman		
_____	_____	_____
Howard K. Coates Jr., Councilwoman		
_____	_____	_____
Anne Gerwig, Councilman		

ATTEST:

BY: \_\_\_\_\_  
Awilda Rodriguez, Village Clerk

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY

BY: \_\_\_\_\_  
Laurie Cohen, Village Attorney